

Office of the Secretary of Defense

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delegated responsibility for a system of records pursuant to internal agency regulations pertaining to the Privacy Act of 1974. In the alternative, such individual may direct the request to the NSA Information Officer in writing in the same form and including the data required in § 322.4(a)(1) above. In the case of any denial of notification by officials delegated responsibility for a system the request shall be referred to the NSA Information Officer for review.

(2) *Appointment of other individual.* If the requester makes a request pursuant to this paragraph and wishes to designate another individual to accompany him, the same procedures as provided in paragraph (a)(2) of this section apply. If the individual appointed is currently authorized access to the National Security Agency headquarters, he may accompany the requester. If the individual appointed is not currently authorized access, a copy of the records located may be mailed to the appointed individual subject to appropriate specific exemptions, applicable Public Laws, special procedures pertaining to medical records including psychological records, and the exclusion for information compiled in reasonable anticipation of a civil action or proceeding.

[40 FR 44294, Sept. 25, 1975. Redesignated at 56 FR 55631, Oct. 29, 1991, as amended at 56 FR 57803, Nov. 14, 1991]

§ 322.5 Medical or psychological records.

If the request includes records of a medical or psychological nature, and if an Agency doctor makes the determination that the records requested contain information which would have an adverse effect upon the requester, the requester will be advised to appoint a medical doctor in the appropriate discipline to receive the information. The appointment of the doctor shall be in the same form as that indicated in § 322.4(a)(2) and shall include a certification that the doctor appointed is authorized to practice the appropriate specialty by virtue of a license to prac-

tice same in the state which granted the license.

[40 FR 44294, Sept. 25, 1975. Redesignated at 56 FR 55631, Oct. 29, 1991, as amended at 56 FR 57803, Nov. 14, 1991]

§ 322.6 Parents or legal guardians acting on behalf of minor applicants and employees.

Parents or legal guardians acting on behalf of minors who request records concerning NSA/CSS applicants or employees who are minors shall be subject to the same requirements contained in § 322.4(a)(1) appointment of other individuals, including the requirement for written authorization. Requests by parents or legal guardians acting on behalf of minors will be processed in the same manner and in accordance with the procedures established herein for individuals not currently authorized access to the NSA headquarters.

[40 FR 44294, Sept. 25, 1975. Redesignated at 56 FR 55631, Oct. 29, 1991, as amended at 56 FR 57803, Nov. 14, 1991]

§ 322.7 Procedures for amendment.

(a) *Request procedure.* Any request for amendment of a record or records contained in a system of records shall be in writing addressed to the Information Officer, National Security Agency, Fort George G. Meade, Md. 20755, Attention: Privacy Act Amendment, and shall contain sufficient details concerning the requested amendment, justification for the amendment, and a copy of the record(s) to be amended or sufficient identifying data concerning the affected record(s) to permit its timely retrieval. Such requests may not be used to accomplish actions for which other procedures have been established such as grievances, performance appraisal protests, etc. In such cases the requester will be advised of the appropriate procedures for such actions.

(b) *Initial determination:* The NSA Information Officer may make an initial determination concerning the requested amendment within ten working days or shall acknowledge receipt of the amendment request within that period if a determination cannot be completed. The determination shall advise the requester of action taken to

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make the requested amendment or inform the requester of the rejection of the request, the reason(s) for the rejection and the procedures established by the Agency for review of rejected amendment requests.

(c) *Request on appeal:* A requester may appeal the rejection by the NSA Information Officer of a request for amendment to the Executive for Staff Services. Such appeal shall be in writing, addressed to the Executive for Staff Services, National Security Agency, Fort George G. Meade, Md. 20755, Attention: Privacy Act Amendment Appeal.

§ 322.8 Appeal determination.

The Executive for Staff Services shall acknowledge receipt of the appeal within ten working days. A determination concerning the appeal shall be provided to the requester within 30 working days, unless the Director, National Security Agency, extends the period for good cause. The Executive for Staff Services shall advise the requester of the action taken to make the requested amendment or inform the requester of the rejection of the appeal, the right to submit for incorporation in the file containing the disputed record(s) a concise statement of disagreement, and notify the requester of the right of judicial review of the denial pursuant to subsection (g)(1)(A) of 5 U.S.C. 552a.

§ 322.9 Fees.

A fee may be charged for the reproduction of copies of any requested records, provided one copy is made available without charge where access is limited to mail service only. Fees shall be charged in accordance with The Uniform Schedule of Fees established by the Department of Defense pursuant to Pub. L. 93–502.

§ 322.10 Specific exemptions.

(a)(1) The following National Security Agency systems of records, published in the FEDERAL REGISTER, are specifically exempted from the provisions of 5 U.S.C. 552a, subsections (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) pursuant to subsection (k) of section 552a to the extent that each system contains individual records or files within the category or categories

provided by subsection (k). Notice is hereby given that individual records and files within each NSA system of records may be subject to specific provisions of Pub. L. 86–36, Pub. L. 88–290 and Title 18 U.S.C. 798 and other laws limiting access to certain types of information or application of laws to certain categories of information.

(2) In addition, those records maintained pursuant to notice of systems of records published by the CSC are exempted pursuant to Title 5 U.S.C. 552a(k)(1) to the extent that they contain classified information in order to protect such information from unauthorized disclosure. Such records may also be subject to other specific exemptions pursuant to rules promulgated by the CSC.

(b) Systems of records subject to specific exemptions:

(1) *System name:* NSA/CSS Access, Authority and Release of Information File.

Exemption: This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 322.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1), (k)(5)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining access to classified information. The exemption does not limit access to that portion of the records in the system which are not exempted, not otherwise protected from unauthorized disclosure, and which would not undermine the integrity of the controlled access system.

(2) *System name:* NSA/CSS Applicants

Exemption: This system of records is exempted from the sections of Title 5 U.S.C. 552a cited in paragraph 322.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1), (k)(5)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up